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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,466	10/09/2003	Pawan Chaturvedi	2374	9192
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PHAN, TUANKHANH D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/682,466

Applicant(s)

CHATURVEDI ET AL.

Examiner

TUAN-KHANH PHAN

Art Unit

2163

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

This Action is responsive to the Response filed 6/11/2008. Claims 1-3, 5 and 7-15 are pending. Applicant's arguments with respect to claims 1-3, 5 and 7-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, 5 and 7-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Casaccia (US Patent 7,158,625).

Regarding **claims 1, 9 and 12**, Casaccia teaches a method of canceling setup of a conference between originating station and terminating station (i.e. **terminating a call between first unit and another unit**, abstract; Figure 7, "108A" and "108B") via a conference server (i.e. proxy server is equivalent to the conference server, Figure 7, "704") in a scenario where the conference server has received an invitation message from the originating unit for setting up a conference call with at least the terminating unit (i.e. **receiving then sending an initiating call message**, Col. 3, lines 1-6) and the

conference server then receives a cancellation message from the first unit before setup of a conference leg between the conference server and the other unit is complete (i.e. **receiving termination message for canceling the call or ring-only call**, Col. 3, lines 20-25), the method comprising: in response to the cancellation message, (1) completing setup of the conference leg between the conference server and the terminating station and (i.e. **completing set up of conference leg between conference server and terminating station is equivalent to connecting with terminating station and sending communication message back and forth. It is inherent that a conference leg has to be established and completed between the conference server and the terminating station to affect a communication**; Col. 3, lines 1-6), (2) sending a cancel signal from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station (i.e. **sending a termination message to terminate the call**; Col. 3, lines 5-15), wherein

if the conference server has already received an agreement message from the terminating, station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises sending an acknowledgement message from the conference server to the terminating station(i.e. **completing set up of conference leg between conference server and terminating station is equivalent to connecting with terminating station and sending communication message back and forth. It is inherent that a conference leg has to be established and completed between the conference server and the terminating station to affect a communication**; Col. 3, lines 1-6; Figure 7);

if the conference server has not yet received the agreement message from the terminating station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises (ii) sending the acknowledgement message from the conference server to the terminating station (**completing set up of conference leg between conference server and terminating station is equivalent to connecting with terminating station and sending communication message back and forth. It is inherent that a conference leg has to be established and completed between the conference server and the terminating station to affect a communication**; Col. 3, lines 1-6).

Regarding **claim 2**, Casaccia teaches the communication server carries out the completing and sending functions (e.g. **a network server**; Figure 3, "104").

Regarding **claim 3**, Casaccia teaches that invitation message sent from originating station is a Session Initiation Protocol (SIP) INVITE message, the cancellation message is a SIP CANCEL message, and the teardown message is a SIP BYE message (i.e. **a SIP communication system**; Col. 4, lines 16-25). In addition, an embodiment of a Session Initiation Protocol (SIP) communication system or conference server standards conventionally comprise SIP INVITE message, SIP ACK message, SIP OK (i.e. SIP 200 OK) message, SIP CANCEL message, and SIP BYE message.

Regarding **claim 5**, Casaccia teaches a method of claim 4, wherein the acknowledgement message is a Session Initiation Protocol (SIP) ACK message (Figs. 5 and 7, Col. 19, lines 18-20).

Claim 7 is rejected for the same reason as discussed in claim 3 above with reference to discussion of claim 6.

Regarding **claim 8**, Casaccia discloses a proxy server for Internet conference, wireless communication, Intranet, and communication networks that meet virtual protocol wherein a conference call is a Real-time Transport Protocol (Col. 4, lines 51-63, Col. 5, lines 11-21 and 53-65).

Regarding **claims 10 and 13**, Casaccia teaches a method, as discussion in claim 9 in reference to claim 5.

Regarding **claim 11**, Casaccia discloses a conference session is a Real-time Transport Protocol (RTP) session as discussed in the claims 8, 9 and 10 above (Col. 4, lines 51-63, Col. 5, lines 11-21, 53-65).

Claim 14 is rejected for the same reason as discussed in claim 12 above with reference to discussion of claim 8 regarding a Real-time Transport Protocol (RTP) session for conference leg (Col. 4, lines 51-63, Col. 5, lines 11-21, 53-65).

Regarding **claim 15**, Casaccia further discloses a communication network comprising network interfaces for communicating over a packet-based network (i.e. a **packet-switched network**; Fig. 1, Col. 4, lines 51-63).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN-KHANH PHAN whose telephone number is (571)270-3047. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TKP
/Hung T Vy/
Primary Examiner, Art Unit 2163